

CHAPTER 12 TRAFFIC AND PARKING

ARTICLE I. IN GENERAL

Sec. 12-1. Definitions in General

The definitions in A.R.S. tit. 28 (A.R.S. § 28-101 et seq.) shall be applicable to this Chapter unless a term is specifically defined in this Chapter, or unless the context requires otherwise.

Sec. 12-2. Definitions Pertaining to this Chapter

For the purposes of interpretation of this Chapter, the following words and phrases shall mean:

- (a) *Commercial Vehicle* – A bus, truck or truck tractor, trailer or semi-trailer.
- (b) *Oversized Motor Vehicle* – Any motor vehicle eighty-four (84) inches or more in width, excluding side mirrors, and more than twenty-two (22) feet in length with a gross vehicle weight rating of eight thousand (8,000) pounds or more.
- (c) *Non-motorized Vehicle* – Any trailer or other device that is not self-propelled and is designed with the intended purpose of being towed behind another vehicle.

Secs. 12-3--12-10. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

Sec. 12-11. Enforcement

- (a) It shall be the duty of the city police department to provide for the enforcement of the street traffic regulations of the city and all of the state vehicle laws applicable to street traffic in the city, to make arrests for traffic violations, to assist in the prosecution of those persons charged with violations of law, to investigate accidents and to assist the city engineer in developing ways and means to improve traffic conditions and to carry out all duties specifically imposed upon the city police department by this Chapter.
- (b) Any peace officer of the city may be authorized by the police chief to perform any of the duties of the police department included in this Chapter.
- (c) The city police department shall keep a record of all violations of the traffic laws of the city or of the state vehicle laws of which any person has been charged. Such record shall be maintained for at least the most recent five (5) year period.
- (d) All forms for records of violations and notices shall be serially numbered.

Sec. 12-12. Civil Traffic Procedure

- (a) The rules of procedure in civil traffic violation cases shall apply to determinations of whether or not a person is responsible for an offense under this Chapter, unless otherwise expressly provided.

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(b) An action or proceeding brought before the municipal court alleging a violation of this Chapter may be commenced by the issuance of a notification of violation; which may be served in person, attached to the vehicle, or by regular mail as provided in A.R.S. §28-1591; or by the use of an Arizona traffic ticket and complaint. If the proceeding is commenced by notification of violation, the notification may be signed by any police officer or any other duly authorized agent of the city police department.

(c) Any person receiving a notice of violation may request and receive a hearing prior to the filing of a summons and complaint, as provided in Section 12-13 (d).

Sec. 12-13. Payment of Penalty Fee Upon Receipt of Notice of Violation

(a) Any person who becomes aware that a notice of violation has been issued with respect to an alleged violation of any provision of this Chapter may, in lieu of court proceedings, pay the base penalty fee and any state or local mandatory surcharges within thirty (30) days of the date of violation indicated on the notice of violation.

(b) The presiding judge shall, from time to time, adopt a table of charges and penalty fees for violations of this Chapter consistent with ordinances and resolutions of the city council.

(c) If the owner or operator of a vehicle for which a notice of violation has been issued fails to pay the penalty fee indicated, or request a civil traffic hearing as provided in subsection (d), below, within thirty (30) days from the date the notice of violation was issued, an additional \$ 20 penalty fee shall be added to the base penalty fee.

(d) The owner or operator of a vehicle for which a notice of violation has been issued may contest the violation by requesting a civil traffic hearing. The request for hearing must be in writing and shall be submitted to the hearing officer or designee within thirty (30) days of the date of the notice of violation. The hearing officer, or designee, may require that the request for hearing be made on a form provided by the city.

(e) If the owner or operator of a vehicle for which a notice of violation has been issued fails to pay the amount of the fine, or request a hearing within thirty (30) days of the issuance of the notice of violation, then a summons and complaint shall be issued to the registered owner of the vehicle. The notice of violation for a parking violation shall be issued within sixty (60) days from the date of the notice of violation. The summons shall command the registered owner to appear in the city court on a date and time certain.

(f) When a person is found responsible for a violation by a judge or a civil traffic hearing officer, whether by default or after a hearing, the judge or hearing officer shall impose a civil sanction for the violation, which shall be not less than the amount of the prescribed fine, as indicated in subsection (a) above, any additional fine for the violation as provided in subsection (c), above, if applicable, and any additional fees, surcharges and penalties required by state, federal or local laws.

(g) The provisions of subsections (a) and (f) of this Section notwithstanding, a judge or civil traffic hearing officer may waive, suspend or reduce the penalty fee that would otherwise be required for a violation of Section 12-60, below, if at the time of a hearing in city court it has been proven that the vehicle that was the subject of the violation was eligible for and had been issued a valid distinguishing insignia placard at the time of the violation. If a person is found responsible for such a violation and a civil sanction is imposed, however, the amount of the civil sanction imposed shall be subject to all of the applicable fees, surcharges and penalties described in subsection (f) of this Section.

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(h) A civil sanction imposed pursuant to subsections (f) or (g) above, shall be a civil judgment. Such judgment may be recovered by the city as any other civil judgment including any applicable fees and charges.

Sec. 12-14. Enforcement Procedures

(a) It shall be the duty of each individual, who is authorized to issue notices of violation, to keep account of all violations of this Chapter, and to attach to a vehicle that is unlawfully parked, a notice of violation that shall include the date, time and location of the violation; the state and license number of the vehicle unlawfully parked; and the code provisions violated.

(b) The notice of violation will be in writing and will inform the person owning or operating the vehicle of the violation of the base fine and of the additional penalty fee that may be incurred by failing to pay the base penalty fee within the time period listed on the notice of violation. The notice will also state that failure to pay the base penalty fee within the required time period will result in the filing of a summons and complaint in municipal court.

(c) A copy of the notice of violation need not be personally served upon the owner or operator of the vehicle that is the subject of the violation, but may be served by attaching a copy of the notice of violation to the vehicle, as provided in subsection (a) above.

Sec. 12-15. Authority to Designate Crosswalks, Establish Safety Zones, Designate No Parking Zones and to Mark Traffic Lanes

The city engineer is authorized:

(a) To designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary.

(b) To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians.

(c) To designate no parking zones along city streets and rights of ways, and to maintain such zones, by appropriate signage, as he may deem necessary for the safe flow of traffic and for the protection of pedestrians.

(d) To mark lanes for traffic on street pavement at such places as he may deem advisable, consistent with the traffic laws of the city.

Sec. 12-16. Authority to Place and Obedience to Turning Markers

(a) The city engineer is authorized to place markers, buttons, or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law.

(b) When authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

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Sec. 12-17. Authority to Place and Obedience to Restricted Turn Signs

(a) The city engineer is authorized to determine those intersections at which drivers of vehicles shall not make a right, left, or U-turn and shall place proper signs at such intersections. The making of such turns may be prohibited entirely or between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs, or such signs may be removed when such turns are permitted.

(b) Whenever authorized signs are erected indicating that no right, left, or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

Sec. 12-18. One-Way Streets and Alleys

(a) The city engineer may designate any streets or alleys which are to be limited to one-way traffic.

(b) Whenever the city engineer designates any one-way street or alley, he shall cause to be placed and maintained signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

Sec. 12-19. Regulation of Traffic at Intersections

The city engineer may designate through streets, intersections where stops are required, and intersections where vehicles shall yield the right-of-way.

Secs. 12-20--12-30. Reserved.

ARTICLE III. TRAFFIC CONTROL

Sec. 12-31. Obedience to Traffic Regulations

It is unlawful, except as otherwise provided in this Code, for any person to do any act forbidden or fail to perform any act required by this Chapter or willfully fail or refuse to comply with any lawful order or direction of any police officer or duly authorized agent of the city in the performance of their duties related to the enforcement of this Chapter.

Sec. 12-32. Directing Traffic

(a) The city police department is hereby authorized to direct all traffic by voice, hand or signal.

(b) Fire officials, when at the scene of a fire, may direct or assist the city police department in directing traffic thereat or in the immediate vicinity.

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(c) Public works employees, when at the scene of an emergency or an active construction site may direct or assist the police or fire departments in directing traffic threat or in the immediate vicinity.

Sec. 12-33. Traffic Control Devices

(a) The city engineer shall provide for the placement and maintenance of traffic control devices, signs, signals, and markers when and as required under the traffic regulations of the city, and may place and maintain such additional traffic control devices as may be deemed necessary to regulate traffic under the traffic laws of the city or under state law or to guide or warn traffic.

(b) The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the traffic regulations of the city unless otherwise directed by a police officer or other duly authorized city agent, subject to the exceptions granted in this Chapter or by state law.

Sec. 12-34. Drivers to Obey Traffic Signs

Whenever traffic signs are erected as provided in this Chapter, every driver of a vehicle shall obey such signs unless otherwise directed by the city police department or a traffic control signal. No driver shall drive upon or through any private property such as a commercial property, oil station, vacant lot or similar property to avoid obedience to any regulation included in this Chapter.

Sec. 12-35. Limitations on Turning Around

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street unless such movement can be made in safety and without interfering with other traffic.

Sec. 12-36. Driving on Private Property

No person shall operate, drive or leave any motor vehicle, motorcycle, motor scooter, dune buggy, jeep or other form of transportation propelled by an internal combustion engine upon the private property of another or upon public property which is not held open to the public for vehicle use, without permission from the owner of the property or the person entitled to immediate possession thereof, or the authorized agent of either.

Sec. 12-37. Operation of Vehicles on Vacant Lots

No person shall operate a vehicle on or across any portion of a vacant lot other than on an established dustproof driveway, except during activities authorized by the city.

Sec. 12-38. Processions

No procession or parade, except funeral processions, shall be held without first securing a permit from the city, and all such requests for permits shall state the time, place of formation, proposed line of march, destination and such other information as the city may set forth therein.

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Sec. 12-39. Prohibition Against the Use of Engine Brakes

(a) It shall be unlawful for a person to operate or permit the operation of the engine of a commercial vehicle so as to assist in braking or slowing the vehicle through the use of any engine brake or engine retarding device on any street or roadway within the city unless the vehicle is an emergency services vehicle.

(b) The city transportation division shall post signs at the entrances to the city as deemed necessary to notify operators of commercial vehicles of such prohibition.

(c) Any person, or persons, violating or failing to comply with any provision of this Section shall be fined, upon conviction, not less than one dollar (\$ 1), and no more than five hundred dollars (\$ 500), for each offense, and each day any violation or noncompliance continues shall constitute a separate offense.

Sec. 12-40. Suspension of Traffic and Parking Ordinances

The city engineer is authorized to adopt regulations necessary to temporarily suspend traffic and parking ordinances of the city to cover emergencies or special conditions.

Secs. 12-41--12-50. Reserved.

ARTICLE IV. STOPPING, STANDING AND PARKING

Sec. 12-51. Presumption in Reference to Illegal Parking

In any prosecution charging a violation of this Article, proof that the particular vehicle described in the complaint was parked in violation of this Article, together with proof that the defendant named in the complaint was, at the time of such parking, the registered owner of such vehicle shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

Sec. 12-52. Method of Parking

The city engineer may have erected signs requiring parking at an angle to the curb, allowing parking on the left hand curb on one-way streets, notifying drivers that parking is prohibited and restricting parking in any way that may be necessary. When such signs have been erected, no person shall stop or stand a vehicle in disobedience to such parking restrictions.

Sec. 12-53. Prohibited Parking

Unless otherwise directed by a police officer or other duly authorized city agent or in accordance with properly erected signage to the contrary, no person shall stop, stand, or park any motorized or non-motorized vehicle on any city street, roadway, or right of way:

(a) In such a manner or under such conditions as to leave available less than twenty (20) feet of the width of the roadway for the free movement of vehicular traffic, except that a

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person may stop for a period of no more than five minutes, in the actual loading or unloading of passengers, or when necessary, in the observance of traffic signs or signals of a police officer or other duly authorized city agent.

(b) In such a manner as to block an alley or the entrance to a private driveway except for the loading or unloading of materials, and not then unless such loading or unloading can be accomplished without interference to the free movement of vehicular traffic.

(c) In any area designated, signed, and marked as a fire lane.

(d) Within thirty-three (33) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance when properly posted.

(e) Within fifteen (15) feet of a fire hydrant.

(f) For the principal purpose of displaying such vehicle thereon for sale, hire or rental.

(g) For the principal purpose of painting, greasing or repairing said vehicle except for repairs necessitated by an emergency.

(h) For the principal purpose of washing or polishing such vehicle or any part thereof when a charge is made for such services.

(i) Within a lane designated for the making of turning movements or for the operation of bicycles.

(j) Within an intersection.

(k) On a crosswalk.

(l) Within twenty (20) feet of a crosswalk at an intersection.

(m) Within thirty (30) feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway.

(n) Within an area designated as a public transit stop.

(o) Within fifty (50) feet of the nearest rail of a railroad crossing or within eight (8) feet six (6) inches of the center of any railroad track, except while a motor vehicle with motive power attached is loading or unloading railroad cars.

(p) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

(q) On a sidewalk or in that area between the curb and sidewalk or on those roadways without curbs in a manner so as to force a pedestrian to walk in the traveled portion of the roadway.

(r) Upon any bridge or other elevated structure upon a street.

(s) Along side or opposite any street excavation or obstructions when stopping, standing or parking would impede traffic.

(t) Upon any public street, public right-of-way or public property when such vehicle does not display current registration.

(u) Except as otherwise provided in this Chapter, no person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the curbside wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway.

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(v) Directly in front of a community or individual postal box served by the U.S. Postal Service except for the purpose of delivering or collecting mail.

Sec. 12-54. Parking Duration

(a) No person shall park any vehicle upon any public street or upon publicly owned, maintained or operated property for a period of seventy-two (72) or more consecutive hours. For purposes of this Section, the vehicle shall be considered to have remained parked unless, during the seventy-two (72) hour period, said vehicle has been moved at least one hundred feet (100') from the position it previously occupied, or the odometer on said vehicle exhibits a change of at least one-tenth of one mile.

(b) Vehicles parked in violation of subsection (a) are subject to removal and storage at the expense of the registered owner.

Sec. 12-55. Parking on Private Property

(a) No person shall park a vehicle in any private parking area without the express or implied consent of the owner or person in lawful possession of such property.

(b) In accordance with A.R.S. §9-499.05, the owner or person in lawful possession of private property shall be deemed to have given consent to unrestricted parking by the general public in any parking area of the private property unless such parking area is posted with signs as prescribed by this subsection which are clearly visible and readable from any point within the parking area and at each entrance. Such signs shall contain, at a minimum, the following:

(1) Restrictions on parking.

(2) Disposition of vehicles found in violation of the parking restrictions.

(3) Maximum cost to the violator, including storage fees and any other charges that could result from the disposition of a vehicle parked in violation of parking restrictions.

(4) Telephone number and address where the violator can locate the violator's vehicle

(5) Each sign shall state "Maricopa City Code Sec. 12-55".

(c) No private towing carrier acting under the authority of this Section shall tow a vehicle from a private parking area unless the signs are posted as required by subsection (b) and contain all the information specified in subsection (b), nor shall the private towing carrier charge fees in excess of the amounts specified on the signs.

(d) No person shall tow or transport any vehicle from a private parking area without the permission of the owner or operator of the vehicle unless such person receives the express written permission from the owner or agent of the owner of the private parking area. The owner or his agent shall either sign each towing order or authorize the towing by written contract which is valid for a specific length of time and will be specifically responsible for all and any tow or storage fees. The person towing or transporting the vehicle may not act as the agent of the owner.

(e) A violation of subsections (c) or (d) of this Section shall constitute a class I misdemeanor and shall be punishable under state law.

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Sec. 12-56. Private Property Parking Area; Notice to Police

(a) Any person towing or transporting any vehicle from any private parking area without the express permission of the vehicle owner shall notify the police department immediately upon the taking of such action and provide the following information:

- (1) The name and address of the owner of the vehicle, if known.
- (2) The vehicle license number and description.
- (3) The reason that the vehicle was removed without the permission of the person parking such vehicle.
- (4) The location where the vehicle was taken after being towed.
- (5) The name, address and telephone number of the person or company that towed or transported the vehicle.

(b) Failure to comply with the provisions of subsection (a), above, shall constitute a class 1 misdemeanor and shall be punishable under state law.

Sec. 12-57. Private Property Parking Area; Maximum Towing Charges; 24-Hour Vehicle Retrieval

(a) The maximum rate and charge for towing, transporting and impounding a motor vehicle from private property without the permission of the owner or operator of the vehicle shall be seventy-five dollars (\$75.00).

(b) No person towing or transporting the vehicle from a private parking area shall charge any fee or amount in excess of the amount specified in this Section.

(c) Any person towing or transporting a vehicle from the private parking area shall maintain personnel able and authorized to release any vehicle to its owner on a twenty-four-hour basis, seven (7) days a week.

(d) Failure to comply with the provisions of this Section shall constitute a class I misdemeanor and shall be punishable under state law.

Sec. 12-58. Curb Loading Zones

(a) The city may determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of such zones are applicable.

(b) No person shall stop, stand or park a vehicle for any purpose or period of time other than for the loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three (3) minutes, except that a vehicle displaying a state "physically disabled parking" identifying insignia may stand or park in a passenger curb loading zone for a period not to exceed five (5) minutes while loading or unloading persons.

(c) When signs are erected giving notice thereof, no person shall stop, stand or park a vehicle in a freight curb loading zone between the hours of 7:00 a.m. and 6:00 p.m. of any day except Sundays and public holidays. The provisions of this subsection do not apply to

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commercial vehicles bearing commercial plates engaged in the unloading and delivery or pickup and loading of materials which may be parked in any freight loading zone for a period of time not to exceed thirty (30) minutes between 7:00 a.m. and 6:00 p.m.

(d) The driver of a passenger vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter such zone. Vehicles displaying state "physically disabled parking" insignia may stand or park in a freight or curb loading zone for a period not to exceed five (5) minutes while loading or unloading persons.

Sec. 12-59. Prohibition Against the Parking of Oversized Motor Vehicles and Non-Motorized Vehicles

(a) Subject to the exceptions below, no person shall stop, stand, or park any oversized, commercial, or non-motorized vehicle on any public street, road or alleyway within any residential or commercial district.

(b) The prohibition set forth in subsection (a) shall not apply to oversized vehicles, or non-motorized vehicles parked for a period of less than twenty-four (24) hours for the purpose of loading, unloading, cleaning, or other activity preparatory to or incidental to travel.

(c) The prohibition set forth in subsection (a) shall not apply to commercial vehicles, oversized vehicles, or non-motorized vehicles parked in residential areas zoned as rural where the minimum lot size is one acre or more.

Sec. 12-60. Restricted Parking Areas for the Physically Disabled; Identification; Sanctions

(a) Except as provided in subsection (d), no person may stop, stand or park a motor vehicle within any specially designated and marked parking space provided for a physically disabled person, which includes the area indicated by hash marks painted adjacent to each such space, in accordance with this Section, A.R.S. § 28-882, or any related statute or City Code provision, whether on public or private property, unless the motor vehicle is transporting a person eligible for the distinguishing insignia placard or number plates bearing the international wheelchair symbol, and either the motor vehicle displays the distinguishing insignia placard, or the motor vehicle displays number plates bearing the international wheelchair symbol.

(b) Parking spaces subject to this Section shall be clearly and conspicuously designated as being reserved for the physically disabled in the following manner:

- (1) Each such space shall be prominently outlined with paint and the internationally accepted wheelchair symbol shall be painted conspicuously on the ground to the rear of the parking space.
- (2) Each space shall be posted with a permanent sign, located not less than three (3) feet or more than six (6) feet above the grade. The sign shall bear the internationally accepted wheelchair symbol and shall indicate that the parking space is "reserved" or "reserved parking."

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(3) Each sign posted on a parking place reserved for the physically disabled on private property shall additionally indicate: "Posted pursuant to City Code Section 12-60." The addition of this statement on such sign or signs shall constitute a waiver of any objection by the owner of the property to enforcement of this Section by the police department and shall authorize police officers and other duly authorized agents to enforce the provisions of this Section.

(c) If a police officer or other duly authorized agent finds a motor vehicle in violation of this Section, a complaint shall be issued to the operator or other person in charge of the motor vehicle, or a notice of violation placed on the vehicle, as appropriate.

(d) Any person who is chauffeuring a physically disabled person shall be allowed, without a distinguishing insignia placard or number plates bearing the international wheelchair symbol, to park momentarily in any such parking space for the purpose of loading or unloading such physically disabled person. No complaint shall be issued to the driver for such momentary parking.

(e) Physically disabled person, as used herein, means a person who is physically disabled within the meaning of A.R.S. § 28-2409, or any superseding statute.

(f) It is unlawful to stop, stand, or park a vehicle in such a manner as to block or deny access to a wheelchair curb access ramp, except that this provision shall not prohibit the driver of a vehicle from temporarily stopping in accordance with other parking regulations for the purpose of and while actually engaged in loading or unloading physically disabled passengers.

Sec. 12-61. Parking on Designated Arterial Roadways

Unless otherwise directed by a police officer or other duly authorized city agent or in accordance with properly erected signage to the contrary, no person shall stop, stand, or park any motorized or non-motorized vehicle on any designated city arterial street, roadway, or right of way. Those arterial streets, roadways and rights of way are designated as:

- (a) Smith-Enke Road.
- (b) Honeycutt Road.
- (c) Honeycutt Avenue.
- (d) Bowlin Road.
- (e) Farrell Road.
- (f) Peters & Nall Road.
- (g) Porter Road.
- (h) White and Parker Road.
- (i) Hartman Road.
- (j) Murphy Road.

Secs. 12-62--12-100. Reserved.